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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 17 2001

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In re application of:

SEIDEL, et al.

Serial No.: 09/351,296

Filed: July 12, 1999



Group Art Unit: 1631

Examiner: M. Zeman

Atty. Docket No. P100564-9016

#9
Plunkett
7/20/01

For: METHOD FOR SEROLOGICAL TYPING USING TYPE-SPECIFIC ANTIGENS

TERMINAL DISCLAIMER UNDER 37 CFR 1.312(b)

Commissioner for Patents
Washington, D. C. 20231

Date: May 14, 2001

Sir:

Petitioner, **Roche Diagnostics, GmbH**, having its place of business at Sandhofer Strasse 116, D-68305, Mannheim, Germany, represents that it is the assignee, and owner of all right, title and interest in and to U. S. Patent Application Serial No. 09/351,296, filed July 9, 1999, for METHOD FOR SEROLOGICAL TYPING USING TYPE-SPECIFIC ANTIGENS, the assignment for the application being recorded in the Patent and Trademark Office on April 28, 1997 at Reel 8526, Frame 0527. Petitioner is also the assignee of all right, title, and interest in and to U. S. Patent No. 5,935,778, issued August 10, 1999, for METHOD FOR SEROLOGICAL TYPING USING TYPE-SPECIFIC ANTIGENS the Assignment for the patent being recorded in the Patent and Trademark Office on April 28, 1997 at Reel 8526, Frame 0527.

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Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. 09/351,296, which would extend beyond the expiration date of United States Patent No. 5,935,778 issued August 10, 1999, and hereby agrees that any patent so granted on application Serial No. 09/351,296, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to United States Patent No. 5,935,778 this agreement to run with any patent granted on the application, Serial No. 09/351,296, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 5,935,778 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, Roche Diagnostics, GmbH, hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



D. Daniel Dzara, II
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SUBMISSION OF TERMINAL DISCLAIMER

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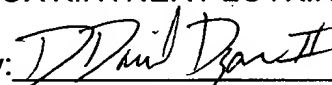
Date: May 14, 2001

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal Disclaimer.

Enclosed is a check in the amount of One Hundred Ten Dollars (\$110.00) to cover the cost of the fee. In the event that this check is found to be insufficient, or if any additional fees are due with respect to the filing of this paper, please charge Deposit Account Number 01-2300.

Respectfully submitted,
ARENT FOX KINTNER PLOTKIN & KAHN PLLC

By: 
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